

ASSEMBLY BILL

No. 1388

Introduced by Assembly Member Kehoe

February 21, 2003

An act to add Chapter 10.5 (commencing with Section 4600) to Division 2 of the Business and Professions Code, relating to massage therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1388, as introduced, Kehoe. Massage therapy and bodywork registration.

Existing law provides for the regulation of various healing arts professionals, including physicians and surgeons, dentists, chiropractors, and acupuncturists.

This bill would establish the Massage Therapy and Bodyworks Commission in the Department of Consumer Affairs to register and regulate massage therapists and bodyworkers. The bill would specify the composition, powers, and duties of the commission. The bill would prohibit a person from using certain titles without being registered, and would specify requirements for registration. The bill would also authorize a physical therapist to perform activities in their scope of practice even if the activities extend into the field of chiropractic science. The bill would not prohibit an unregistered person from engaging in the practice of massage therapy or bodywork.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10.5. MESSAGE THERAPISTS

4600. The Massage Therapy and Bodyworks Commission is hereby created in the Department of Consumer Affairs.

(a) The commission shall consist of seven members, appointed for four-year terms, who are registered massage therapists or bodyworkers and who have engaged in the practice of massage therapy or bodywork for at least two years preceding appointment.

(b) The Governor shall appoint five members, the Senate Rules Committee shall appoint one member, and the Speaker of the Assembly shall appoint one member.

(c) The members of the board shall serve without compensation. A member shall be reimbursed for his or her actual expenses arising out of his or her service on the board.

4601. The commission may charge an application fee for registration of not more than ____ dollars (\$____) and may charge a registration fee of not more than ____ dollars (\$____).

4602. For purposes of this section, the following terms shall have the following meanings:

(a) "Bodyworker" means a person who engages in bodywork.

(b) "Massage therapist" means a person who engages in massage therapy.

(c) "Massage therapy" and "bodywork" mean the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body, and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate.

4603. This chapter does not apply to a person holding a license, permit, registration or certification granted by this state or the federal government, who engages in the practice of massage therapy or bodywork within the scope of his or her license, permit, registration or certification, and who does not use a title or description that implies that he or she is registered under this

chapter or represent himself or herself to be registered under this chapter.

4604. A person shall not represent himself or herself to be registered under this chapter, nor shall he or she use any of the following titles, unless the person is registered as a massage therapist or bodyworker pursuant to this chapter:

(a) California registered massage therapist and bodyworker.

(b) California registered massage therapist.

(c) California registered bodyworker.

(d) Registered massage therapist and bodyworker.

(e) Registered massage therapist.

(f) Registered bodyworker.

(g) Any title or description that implies that he or she is registered under this chapter.

4605. The commission may promulgate rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork.

4606. The massage therapy and bodywork commission may promulgate rules establishing the education, training, and competency requirements that an applicant for registration shall satisfy in order to be registered under this chapter.

(a) The rules shall do the following:

(1) Require an applicant to complete at least ____ classroom hours of study in a course of instruction in massage therapy or bodywork approved by the commission or at a school approved by the commission.

(2) Require an applicant whose application is received after March 1, 2004, to successfully complete one of the following:

(A) The national certification examination for therapeutic massage and bodywork that is offered by the National Certification Board for Therapeutic Massage and Bodywork.

(B) A substantially equivalent examination relating to the practice of massage therapy or bodywork that is approved by the National Commission of Certifying Agencies of the National Organization for Competency Assurance.

(C) An examination relating to the practice of massage therapy or bodywork that is developed, administered, or approved by the commission.

(b) The rules may require an applicant to pass an examination on state law and administrative rules governing massage therapy or bodywork.

4607. (a) The commission shall register as a massage therapist or bodyworker a person who does all of the following:

(1) Meets education and experience qualifications established by the commission.

(2) Passes an examination given by the commission.

(3) Pays the appropriate application and registration fees.

(b) The commission may deny registration if any of the following apply:

(1) The person is currently under investigation for a matter related to his or her practice of massage therapy or bodywork in another state, territory, or country.

(2) The person has been disciplined for a matter related to his or her practice of massage therapy or bodywork in another state, territory, or country.

(3) The person is currently a party in pending litigation in which it is alleged that he or she is liable for damages for acts committed in the course of the practice of massage therapy or bodywork.

(4) The person has been found liable for damages for acts committed in the course of the practice of massage therapy or bodywork that evidence a lack of ability or fitness to practice massage therapy or bodywork.

(5) The person has been convicted of an offense the circumstances of which substantially relate to the practice of massage therapy or bodywork.

4608. Upon application and payment of the appropriate application and registration fees, the commission may register as a massage therapist or bodyworker a person who has been issued a similar license, registration, or certificate by another state or territory of the United States or another country.

4609. Nothing in this chapter prohibits a person who is not registered pursuant to this chapter from practicing massage therapy or bodywork.